

REMARKS

Claims 1-37 are pending. Claims 1-9 were rejected. Claims 10 and 11 were objected to as being dependent upon a rejected base claim, but would be allowable if rewritten to incorporate base and intervening claim limitations. Claims 12-37 were allowed. The Applicants gratefully acknowledge the allowance of claims 12-37 and the allowability of claims 10 and 11 if rewritten to incorporate base and intervening claim limitations.

Claims 1-9 were rejected under 35 U.S.C. 103(a) as being unpatentable over Lapid (US 2004/0087288). Lapid describes "The general procedure for obtaining the input power relation to the 'AGC GAIN' values in a RF are similar to the IF. However, it must be done over frequency (due to the GR variance of the RF AGC). The frequency dependence, and the RF AGC curve used, make it difficult to obtain an analytic approximation. Therefore, calibration over power is preferred. The power versus 'AGC GAIN' values across frequency calibration may be performed in conjunction with TOP calibration over frequency. The procedure, per frequency, is to input the required power span and record the 'AGC GAIN' with its corresponding power level." [0061]

Lapid also describes a method of calibrating a broadband communications device that includes "disabling a TOP operation; setting a RF input power; reading an AGC GAIN value; and setting the broadband communications device based on the read AGC value." [claim 11]

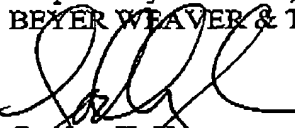
However, as indicated by the Examiner, Lapid does not teach determining internal gain levels associated with a second cable modem. The Examiner argues that it would be obvious to teach determining internal gain levels associated with a second cable modem. Even if the Examiner's position is assumed to be correct, the claims further recite "storing integrated internal gain levels in the first cable modem, the integrated internal gain levels derived using first and second internal gain levels, wherein the integrated internal gain levels represent a first subset of the first and second internal gain levels." The Examiner does not indicate where this recitation is taught or suggested on Lapid or why it would be obvious to perform this recitation.

It is respectfully submitted that there is nothing in Lapid that teaches or suggests storing integrated internal gain levels. It is respectfully submitted that nothing in Lapid or any other reference or any other knowledge makes this recitation obvious. Furthermore, Lapid does not

teach or suggest "wherein the integrated internal gain levels represent a first subset of the first and second internal gain levels." Nothing in Lapid or any other reference or any other knowledge teaches or suggests any subset of the first and second internal gain levels.

In light of the above remarks relating to the independent claim, the remaining dependent claims are believed allowable for at least the reasons noted above. Applicants believe that all pending claims are allowable and respectfully request a Notice of Allowance for this application from the Examiner. Should the Examiner believe that a telephone conference would expedite the prosecution of this application, the undersigned can be reached at the telephone number set out below.

Respectfully submitted,
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